



# House of Representatives

**File No. 679**

General Assembly

February Session, 2000

**(Reprint of File No. 365)**

Substitute House Bill No. 5893  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 28, 2000

## ***An Act Limiting Disclosure Of Individuals' Photographs And Computerized Images By State Agencies.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1       Section 1. (NEW) (a) As used in this section:

2       (1) "Disclose" means to engage in any practice or conduct to make  
3       available and make known, by any means of communication,  
4       information pertaining to an individual to any other individual,  
5       organization or entity;

6       (2) "Express consent" means an affirmative agreement given by the  
7       individual who is the subject of a photograph or computerized image  
8       that specifically grants permission to a state agency to release such  
9       photograph or image to the requesting party. Such agreement shall (A)  
10      be in writing or such other form as the state agency may determine in  
11      regulations adopted in accordance with the provisions of chapter 54 of  
12      the general statutes, and (B) specify a procedure for the individual to  
13      withdraw such consent, as provided in regulations adopted in  
14      accordance with the provisions of chapter 54; and

15       (3) "Requesting party" means a legitimate business or an agent,  
16       employee or contractor of a legitimate business.

17       (b) No state agency may disclose to the public an individual's  
18       photograph or computerized image in connection with the issuance of  
19       an identification card or other document by such state agency, unless  
20       such individual has provided his or her express consent for such  
21       disclosure. Such consent shall not be required for disclosure in  
22       connection with any civil, criminal, administrative or arbitral  
23       proceeding in any court or government agency or before any self-  
24       regulatory body, including the service of process, an investigation in  
25       anticipation of litigation, a law enforcement investigation, and the  
26       execution or enforcement of judgments and orders, pursuant to an  
27       order of any court provided the requesting party is a party in interest  
28       to such proceeding or pursuant to chapter 969 of the general statutes.  
29       A requesting party that receives personal information under this  
30       section shall not redisclose such personal information, except to an  
31       agent, employee or contractor of the requesting party. Section 14-10 of  
32       the general statutes, as amended by substitute senate bill 98 of the  
33       current session, shall apply in lieu of the provisions of this section to  
34       photographs or images in connection with documents issued by the  
35       Department of Motor Vehicles.

36       Sec. 2. This act shall take effect July 1, 2000.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Workload Increase

**Affected Agencies:** Various State Agencies

**Municipal Impact:** None

**Explanation****State Impact:**

The bill, as amended, prohibits a state agency, other than the Department of Motor Vehicles (DMV), from disclosing pictures or computerized images unless “express consent” is obtained in writing from the individuals subject of the photographs or the computerized images.

State agencies which issue identification cards or other documents which require photographs or computerized images would experience minimal workload increases for obtaining “express consent” from such individuals. It is anticipated that the workload increase can be handled by staff without the need for additional resources.

House “A” removes the provisions regarding the disclosure of personal information by the DMV. Thus the administrative costs to the DMV and the potential revenue gain from selling or offering for sale motor vehicle license photographs or computerized images and from entering into contracts with vendors for the sale of personal information for fraud prevention or for bulk distribution is eliminated.

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**OLR Amended Bill Analysis**

sHB 5893 (as amended by House "A")\*

**AN ACT LIMITING DISCLOSURE OF INDIVIDUALS' PHOTOGRAPHS AND COMPUTERIZED IMAGES BY STATE AGENCIES.**

**SUMMARY:**

This bill, with limited exceptions, prohibits a state agency, other than the Department of Motor Vehicles (DMV), from disclosing pictures or computerized images that they take of applicants for state documents unless the applicants give their express consent in writing or some other form provided in regulations. The regulation must permit an applicant to withdraw his consent. The DMV commissioner is prohibited until June 30, 2000, from selling or offering for sale motor vehicle license photographs or computerized images. After this date, the disclosure of these items will be governed by the law applicable to the disclosure of personal information.

Even with the applicant's expressed consent, the agency may only disclose the information to a legitimate business or its agent, employee, or contractor. The bill prohibits the requesting party from re-disclosing any personal information he receives to anyone other than his agent, employee, or contractor.

The consent requirement does not apply to agencies disclosing the pictures or images in a civil, criminal, administrative, or arbitration proceeding. The exemption extends to service of process, enforcement or execution of judgments and orders, pre-litigation and law enforcement investigations, court orders if the requestor is a party to the action, and court-ordered registration for sex offenders under Megan's law.

The bill defines "disclose" as engaging in a practice or conduct to make information pertaining to one individual available and known to other people, organizations, or entities.

\*House Amendment "A" (1) eliminates provisions regarding the disclosure of personal information by DMV; (2) eliminates a requirement for agency heads to get an applicant's express consent before publicly disclosing computer images or pictures and, instead, permits anyone in the agency to get the consent; (3) eliminates a requirement that the consent to expire; and (4) exempts from the consent requirement pictures and images taken in connection with law enforcement investigations.

EFFECTIVE DATE: July 1, 2000

## **BACKGROUND**

### ***Legislative Action***

On April 10 and 20, respectively, the House referred the bill to the Transportation and Judiciary committees, which reported it unchanged on April 12 and 26, respectively.

## **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 19      Nay 2

Transportation Committee

Joint Favorable Report

Yea 22      Nay 2

Judiciary Committee

Joint Favorable Report

Yea 31      Nay 0